

Docket No. F-8120

Ser. No. 10/764,665

**REMARKS**

Claims 2-6, 8, 9, and 16-23 remain pending in this application. Claims 2, 3, 5, 6, 8, 11, 13, and 16-27 are rejected. Claims 11, 13, 14 and 24-27 are cancelled. Claims 1, 7, 10, 12, and 15 are previously cancelled. Claims 4 and 9 are withdrawn. Claims 2, 5, 6, 8, 11, 17, 21 and 25 are amended herein to clarify the invention and to address matters of form unrelated to issues of substantive patentability.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims cited in the above-referenced Office Action.

The Examiner states that a complete reply to the final rejection must include cancellation of nonelected claims. However, applicant respectfully submits that the two remaining withdrawn claims, i.e., claims 4 and 9 depend from claims 2 and 6 respectively, and that therefore cancellation is not appropriate, as the withdrawn claims contain all the limitations of the examined parent claims from which they depend.

Claims 5, 8, 13 and 24-27 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 5 and 8 are amended to clarify the claimed invention and to place the claims into conformance

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with U.S. claiming practice. The amendments were made with consideration of the various informalities noted in the Office Action. It is respectfully submitted that the amendments remove or correct the informalities noted in the Office Action. Claims 24-27 are cancelled, rendering their rejections moot. Therefore, reconsideration of the rejection of remaining claims 5 and 8, and their allowance, are earnestly requested.

Claims 11, 13 and 24-27 are rejected under 35 U.S.C. § 102(b) as anticipated by Nalle (US 3,104,493). The cancellation of claims 11, 13 and 24-27 herein renders these rejections moot.

Claims 2, 3, 5, 6, 8 and 16-23 are rejected under 35 U.S.C. § 103(a) as obvious over Nalle in view of Weddendorf (US 5,340,252).

It is respectfully submitted that a *prima facie* case of obviousness cannot be established in rejection of the amended claims. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of

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success must both be found in the prior art, and not based on the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).<sup>\*</sup> MPEP §706.02(j) "Contents of a 35 U.S.C. §103 Rejection".

In the present instance, the proffered combination fails to teach all claimed features of independent claims 2 and 6, including, for example, the claimed subject matter directed to fitting pieces extending orthogonally outward of the attachment part formed as a result of an outward deformation applied after insertion of the attachment part in an axial direction into said receiving hole, and automatic protection against loss of tightening power in the event of an axial shifting of the bolt relative to the attachment member due to the biasing power of the spring acting on the nut segments.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 2, 3, 5, 6, 8 and 16-23 and their allowance are respectfully requested.

Claims 2, 3, 5, 6 and 8 are rejected under 35 U.S.C. § 103(a) as obvious over Meredith (US 5,655,936) in view of Weddendorf, and further in view of Mehlberg (US 5,842,894).

In accordance with the recitations of the rejected claims as now written, because the quick release nut is fixed to the attachment member in the manner as

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claimed, relative axial movement therebetween is prevented, and loss of tightening power is prevented by the spring biasing in a tightening direction in the event of shifting, expansion or contraction of the bolt. Nothing contained within the references themselves suggest a combination which would result in such advantage.

The basic issue in determining whether a finding of obviousness is warranted is whether the applied references, alone or in any combination, suggest the claimed invention as a solution to the specific problem solved. It is the vantage point of attacking the problem at the time the invention was made that is to be examined. When prior art itself does not suggest or render obvious the claimed solution to that problem, the art involved does not satisfy the criteria of 35 U.S.C. §103 for precluding patentability. *Lindemann Maschinenfabrik GmbH v. America Hoist and Derrick Co.*, 221 U.S.P.Q. 481 (Fed. Cir. 1984).

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. *Carela v. Starlight Archery*, 231 U.S.P.Q. 644 (Fed. Cir. 1986). Furthermore, it is improper as a matter of law to use the claims presented as a blueprint to combine prior art references. *Ashland oil, Inc. v. Delta Resins & Refractories, Inc.* , 227 USPQ 657, 667 (CAFC 1985).

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Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims 2, 3, 5, 6 and 8 and their allowance are respectfully requested.

Claims 11 and 13 are rejected under 35 U.S.C. § 103(a) as unpatentable over Meredith in view of Mehlberg. The cancellation herein of claims 11 and 13 renders these rejections moot.

Applicant respectfully requests a one (1) month extension of time for responding to the Office Action. Please charge the fee of \$60 for the extension of time to Deposit Account No. 10-1250.

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,  
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